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CHARITIES—SOCIETIES FOR THE PREVENTION OF CRUELTY TO CHILDREN—PUBLIC CONTROL—PEOPLE EX REL. STATE BOARD OF CHARITIES V. NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN, 55 N. E. 1063 (N. Y.).—The New York Society for the Prevention of Cruelty to Children was incorporated for the enforcement of all lawful means necessary to that end. The State Board of Charities, created for the purpose of visiting and inspecting all charitable institutions within meaning of court, claimed the right to include the New York society within its jurisdiction. *Held*, that Society for Prevention of Cruelty to Children is organized for enforcement of criminal law, and does not come under jurisdiction of State Board of Charities. Martin, Haight, Vann, J. J., dissenting.

The practical value of this case lies in the distinction it makes between charitable institutions in their true legal meaning and institutions which, in a general sense, may be called charitable. An institution is not necessarily of a charitable nature because it has the capacity to take and administer gifts, nor can it be called charitable if incidentally it does something toward the alleviation of human misery and suffering. The term "Charitable Institution" can be legally applied only to those institutions, public or private, that give public pecuniary relief in that form commonly called "charity."

CONSTITUTIONAL LAW—DISCRIMINATION IN FAVOR OF RESIDENT CREDITORS—BLAKE ET AL. V. MCCLUNG ET AL., 20 Sup. Ct. Rep. 307.—A law giving priority to resident creditors of a corporation doing business in a State, *Held*, unconstitutional as depriving non-residents of the privileges and immunities of citizens of a particular State, and also as a denial of the equal protection of the law.

A mere compliance by the courts with the requirements of statutory enactments is not due process of law, but the statutes themselves must affect residents and non-residents alike. *R. R Co. v. Baty*, 6 Nebr. 37; *Taylor v. Porter*, 4 Hill (N. Y.) 140.

CONSTITUTIONAL LAW—STATE FISHERIES ACT—REGULATION OF COMMERCE—DUE PROCESS OF LAW—POLICE POWER—PEOPLE V. BUFFALO FISH CO., LTD., 62 N. Y., Sup. 543. *Held*, that Laws 1892, C. 488, §§ 110, 112, making it a misdemeanor to catch, kill, or have in one's possession certain varieties of fish during certain periods of the year, and imposing a penalty for its violation, so far as they affect the possession and right of sale by a citizen of this State of fish imported by him from a foreign country, on which a customs duty has been paid, are in conflict with the power of Congress to regulate commerce, and to such extent are void; that these laws making it a misdemeanor to have in one's possession such varieties of fish during such periods, and imposing a penalty for the violating, so far as they affect the possession and sale of fish imported from without the State are unconstitutional, as depriving a person of his property without due process of law; that such act cannot be upheld as a lawful exercise of the police power of the State, on the ground of providing for the propagation and preservation of game fish in the waters of the State. Disapproving, *Phelps v. Racey*, 60 N. Y. 10.

The weight of authority seems to indicate that the States have the right to make and enforce such laws. *Magner v. People*, 97 Ill. 331; *ex parte Maier*, 103 Cal. 476, 42 Am. St. Rep. 129. *State v. Saunders*, 19 Kan. 127, 27 Am. Rep. 98, and *Territory v. Evans*, 2 Idaho 634, agree with the above case. These State statutes are supported as being a valid exercise of the police power in *Roth v. State*, 51 Ohio St. 209, 46 Am. St. Rep. 566. The possession of game lawfully taken and killed is held no crime in *State v. Bucknam*, 88 Me. 385, 51 Am. St. Rep. 406, and *State v. Parker*, 89 Me. 81.